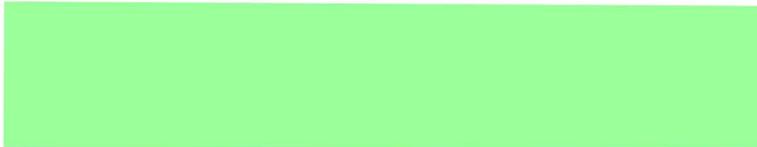
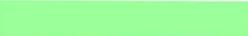


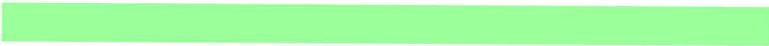


U.S. Citizenship  
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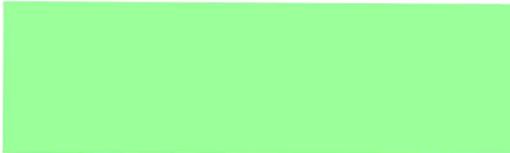


DATE: **JUL 24 2014** Office: IMMIGRANT INVESTOR PROGRAM FILE: 

IN RE: Applicant: 

PETITION: Proposal for Designation as a Regional Center Pursuant to Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-395, 106 Stat. 1874 (1992).

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Chief, Immigrant Investor Program (IPO), denied the proposal for designation as a regional center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant seeks designation as a regional center pursuant to section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-395, 106 Stat. 1828 (1992), as amended by section 116 of Pub. L. No. 105-119, 111 Stat. 2440 (1997); section 402 of Pub. L. No. 106-396, 114 Stat. 1637 (2000); section 11037 of Pub. L. No. 107-273, 116 Stat. 1758 (2002); section 4 of Pub. L. No. 108-156, 117 Stat. 1944 (2003); and section 1 of Pub. L. No. 112-176, 126 Stat. 1325 (2012). The applicant proposes to establish regional center status for the [REDACTED] that is based on the formation of a limited partnership, [REDACTED], which will use invested funds to build a hotel and resort facility.

The chief determined that the proposal (1) did not demonstrate the promotion of economic growth within the selected geographic area; (2) did not establish the regional or national impact of the regional center; (3) did not show job creation; and (4) contained redemption agreements between the alien investors and the regional center. On appeal, the applicant submits revised documentation and claims that the issues raised by the director have been addressed. For the reasons discussed below, the regional center proposal may not be approved.

## I. LAW

Section 203(b)(5) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(5), as amended by Pub. L. No. 107-273, 116 Stat. 1758 (2002), provides classification to qualified immigrants seeking to enter the United States for the purpose of engaging in a new commercial enterprise:

- (i) in which such alien has invested (after the date of the enactment of the Immigration Act of 1990) or, is actively in the process of investing, capital in an amount not less than the amount specified in subparagraph (C), and
- (ii) which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence or other immigrants lawfully authorized to be employed in the United States (other than the immigrant and the immigrant's spouse, sons, or daughters).

Section 610(a) of the Departments of Justice and Related Agencies Appropriations Act, 1993, as amended, provides:

Of the visas otherwise available under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. § 1153(b)(5)), the Secretary of State, together with the Secretary of Homeland Security, shall set aside visas for a program to implement the provisions of such section. Such program shall involve a regional center in the United States, designated by the Secretary of Homeland Security on the basis of a

general proposal, for the promotion of economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment. A regional center shall have jurisdiction over a limited geographic area, which shall be described in the proposal and consistent with the purpose of concentrating pooled investment in defined economic zones. The establishment of a regional center may be based on general predictions, contained in the proposal, concerning the kinds of commercial enterprises that will receive capital from aliens, the jobs that will be created directly or indirectly as a result of such capital investments, and the other positive economic effects such capital investments will have.

## II. FACTUAL AND PROCEDURAL HISTORY

On November 22, 2010, the applicant filed the proposal along with supporting documentation. On September 20, 2011, the applicant responded to a June 17, 2011 request for evidence (RFE). The director denied the proposal on December 8, 2011, determining that the documentation did not demonstrate eligibility for a regional center. On January 10, 2012, the applicant filed an appeal with revised documentation.

## III. ANALYSIS

On May 5, 2014, we issued a notice of adverse information and intent to dismiss the appeal, advising the applicant of derogatory information with an opportunity to respond before rendering a final decision pursuant to the regulation at 8 C.F.R. § 103.2(b)(16)(i). Specifically, according to the Tennessee Secretary of State's public website, on May 22, 2013, the Secretary of State changed [REDACTED] status from "Active" to "Active-Dissolved." According to the relevant section of the Tennessee Code, the Secretary of State may administratively dissolve a limited liability company under various circumstances, including the limited liability company's failure to deliver its annual report to the Secretary of State within two months of the report's due date. Tenn. Code Ann. § 48-245-301. On June 4, 2013, the Tennessee Secretary of State issued [REDACTED] a notice of determination. On August 13, 2013, the Tennessee Secretary of State changed [REDACTED] filing status from "Active-Dissolved" to "Inactive-Dissolved (Administration)." Under section 48-245-302(c) of the Tennessee Code, "a[n] LLC administratively dissolved continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under § 48-245-501 and notify claimants under § 48-245-502." Therefore, since August 13, 2013, [REDACTED] has been a dissolved limited liability company and ineligible to conduct business in Tennessee as proposed in its request for designation as a regional center.

The regulation at 8 C.F.R. § 103.2(b)(13)(i) provides:

Failure to submit evidence or respond to a notice of intent to deny. If the petitioner or applicant fails to respond to a request for evidence or to a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons . . . .

The applicant was afforded 30 days to respond to our notice. As of the date of this decision, however, the applicant has not responded to our notice. As the applicant has not overcome the evidence that the entity seeking designation as a regional center is dissolved, the applicant is ineligible to conduct the business that is the basis of the regional center proposal. Therefore, the appeal will be dismissed based on the applicant's failure to respond to our notice and on the dissolution of the entity. 8 C.F.R. § 103.2(b)(13)(i). Moreover, any further discussion regarding any of the other statutory and regulatory requirements is now moot.

### III. CONCLUSION

The appeal will be dismissed for the above stated reasons. In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not met that burden.

**ORDER:** The appeal is dismissed.